



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,964	03/26/2004	Jayanta Kumar Dey	99-851CON1	9817

25537 7590 09/09/2009
VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
----------	--------------

2176

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary	Application No. 10/810,964	Applicant(s) DEY ET AL.	
	Examiner CHAU NGUYEN	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-23 and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/08/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendments and arguments filed on 08/03/2009 have been entered. Claims 1-10, 12-23 and 25-37 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

Art Unit: 2176

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-10, 12-23 and 25-37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,996,775. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims 1-10, 12-23 and 25-27 and 37 of the instant application define an obvious variation of the invention claimed in US Patent No. 6,996,775.

4. Claims 1-10, 12-23, and 25-37 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,996,775, in view of Goldberg et al. (Goldberg), US Patent No. 5,963,203 and further in view of Liddy et al. (Liddy), US Patent No. 5,963,940.

5. Patent No. 6,996,775 discloses every limitation of claim 1-10, 12-23, 25-27 and 37, except for "temporal range of the temporal document", "the signal of interest indicating interest in a sequence of material presented over the temporal range" and "the scores of each document based on a summation of term scores for at least a subset of the terms of the selected text, the term score of a term is weighted according to a temporal position of the term within the temporal range".

The specification of page 7, paragraph [0027] recites “finding documents which relate to a portion of a temporal document includes (a) in response to a signal of interest at a particular time during the temporal document, identifying a portion of the temporal document for which related documents are to be found”. Therefor, for the purpose of this examination, “temporal range of the temporal document” is interpreted as “a portion of the temporal document”, this is taught by claim 1 of the Patent No. 6,996,775.

Goldberg discloses user may express an interest in a particular region of the video sequence by designating a portion of a displayed video suing a pointing device, i.e., clicking with the mouse button on the frames of interest as displayed in the interactive video icon (col. 6, lines 34-43 and col. 7, lines 4-19).

In addition, Liddy discloses the scores are an indication of the strength of the association between the term and the document, and for each document the within document Term Frequency (TF) is calculated, the product of TF and the Inverse Document Frequency (IDF) is sued as the basis for the postings score – a measure of the relative prominence of a term compared to its occurrence throughout the corpora, and TF.IDF scores are cataloged for a varying number of logical paragraphs in a given document (col. 16, lines 1-23). One of ordinary skill in the art would have acknowledged that the term score (term frequency) of a term proportional to an inverted document frequency of the term from the formula $TF \cdot IDF$, and where TF is the umbers of occurrences of a term within a given document (col. 22, lines 12-25). Liddy further discloses that different sources of evidence are used to compute individual measures of scores between the query and a given document and the individual scores are

Art Unit: 2176

combined or summed to form a single relevance score (col. 22, line 1 – col. 23, line 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goldberg and Liddy with Patent No. 6,996,775 to include “the signal of interest indicating interest in a sequence of material presented over the temporal range” and “the scores of each document based on a summation of term scores for at least a subset of the terms of the selected text, the term score of a term is weighted according to a temporal position of the term within the temporal range”. Liddy suggests that the product of TF.IDF for a given term in a document provides a quantitative indication of a term’s relative uniqueness and importance for matching purposes.

Allowable Subject Matter

6. Claims 1-10, 12-23 and 25-37 would be allowable upon filing a suitable terminal disclaimer to overcome the double patenting rejection, set forth in this Office action.

Response to Arguments

The previous double patenting rejection of claims 1-10, 12-23 and 25-37 with respect to claims 1-24 of US Patent No. 6,943,707 and claims 1-30 of US Patent No. 6,490,580 is withdrawn.

In the remarks, Applicant argued that there is no explaining why the recitations of pending claims in the instant application are not patentably distinct over the claims of the issued 6,996,775.

In reply to argument above, Examiner's provided guidance above (see obviousness-type double patenting as being unpatentable over claims 1-40 of U.S Patent No. 6,996,775 and further in view of Liddy et al. (Liddy), US Patent No. 5,963,940)) for supporting the obviousness-type double patenting.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176

/Laurie Ries/
Primary Examiner
Technology Center 2100
27 August 2009